



PUGET SOUND ECOSYSTEM
MONITORING PROGRAM

STORMWATER WORK GROUP

<http://www.ecy.wa.gov/programs/wq/psmonitoring/swworkgroup.html>

This document contains comments that tee up the key input from our caucuses. The revised draft final set of recommendations that come out of the SWG meeting today will go out for another round of caucus discussions. A formal vote on the recommendations will be held at the SWG meeting on June 1, 2016 and the final recommendations will be submitted to Ecology shortly thereafter. The final recommendations will include consensus recommendations and majority recommendations with minority concerns noted.

Today's discussion focuses on recommendations for S8; other recommendations will be discussed at future meetings.

Advisory vote tallies indicated are "for/against/abstain" and were taken for the purposes of learning the level of consensus at this point. Ecology abstained from voting because these recommendations are for the permit.

For Discussion on 3/16/16

Recommendations for future implementation of and changes/improvements to Municipal Stormwater NPDES Permit Special Condition S8 Monitoring and Assessment and the Regional Stormwater Monitoring Program (RSMP) funded by permittees

The RSMP is designed to provide adaptive management feedback as to the overall effectiveness of the municipal stormwater NPDES permits and local governments' stormwater management programs in Western Washington. The RSMP leverages state and federal monitoring programs and is currently conducted by local, private, state, and federal entities coordinated by the RSMP Coordinator.

The portion of the RSMP implemented via current permit Condition S8.B Status and Trends Monitoring applies only to permittees located in Puget Sound; the eight permittees located in the Lower Columbia River Basin are developing recommendations for receiving water status and trends monitoring in separate process. The other RSMP components (S8.C Effectiveness Studies and S8.D Source Identification and Diagnostic Monitoring) apply to all permittees in western Washington.

The Stormwater Work Group (SWG) has regularly discussed RSMP implementation at formal stakeholder meetings since the program's inception. The RSMP Coordinator has done an excellent job of getting the RSMP going and implementing "lessons learned" while launching the overall effort. Overall, SWG members agree that the RSMP is a success and that the paradigm shift from individual permittee to collective, regional monitoring has been an improvement. The SWG offers Ecology the following recommendations for continuing to improve the RSMP, and for communicating to others about the RSMP:

SWG members are in agreement (had general consensus at the January 13, 2016 meeting) on the following recommendations for RSMP funding and administration through the permits:

Commented [DK(1): Local caucus suggests replacing "entities" with "monitoring programs"

Commented [DK(2): Add reference to PRO-C review of Ecology as RSMP administrator

Commented [DK(3): Local caucus recommends replacing this with "The RSMP was implemented as recommended. Overall, SWG members agree that generally the shift from the jurisdictional-based concept to a regional approach has been an improvement over previously uncoordinated efforts."
Try opening paragraph of King Co letter instead.
Acknowledge what is going well.

Notes from the caucus discussions are included to support the conversation at the March 16, 2016 SWG meeting



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1. Maintain the **current level** and allocation of funding in the current permit.
Advisory vote: 9/3/1 with minority concern from state and federal reps being the loss of purchasing power if there is no adjustment for inflation.
 - a. Include funding from the new permittees for this permit cycle in the next permit at the same population-based proportional amount.
2. Maintain a **strong incentive** for permittees to participate in the pay-in approach as the primary means of funding the RSMP.
Advisory vote: 9/3/1 with minority concern from state reps that the option 2 language goes against the spirit and power of a regional program.
 - a. If an S8.B Status and Trends Monitoring opt-out approach is provided, it needs to be improved over what was done for the current permit. **[Move to next section.]**
 - b. The S8.C Effectiveness Studies opt-out alternatives in the current permit should be continued. **[Move to subsequent section.]**
3. Continue invoicing permittees in the spring of each year. **Advisory vote: 12/0/1**
4. Continue to maintain funds for each of the **three** RSMP components in separate accounts. **Advisory vote: 12/0/1**
 - a. Pooled funds for S8.B Status and Trends Monitoring contributed by permittees located in Puget Sound should remain focused on Puget Sound status and trends monitoring activities.
5. Continue distributing and posting RSMP quarterly budget and progress reports. **Advisory vote: 12/0/1**
6. Continue to use the Pooled Resources Oversight Committee (PRO-Committee) to oversee RSMP expenditures and contracting decisions. **Advisory vote: 12/0/1**
7. Increase the percentage of total budget allocated for administering the RSMP from **5%** to **6% or 7%** as determined by the PRO-Committee. **Advisory vote: 12/0/1**
8. Continue to use the SWG and its technical subgroups to set priorities for expenditure of RSMP funds and to modify program details such as parameter lists and site locations. **Advisory vote: 12/0/1**
 - a. The SWG has multiple ideas for focusing future monitoring priorities, but the RSMP findings are just beginning to come in and it is too early to make major changes to the RSMP.

SWG members are not in agreement on the following recommendations for the S8.B Status and Trends Monitoring "opt-out" alternatives:

Context: In 2010, the SWG unanimously agreed that there should not be any "opt-out" alternative in the permits for this component of the RSMP. Ecology decided to include the option in the current permit and the SWG has not overseen the work being done by the two permittees that chose this alternative. SWG members agree that the current "opt-out" permit requirements are not working as intended, and need to be fixed. This discussion is aimed at identifying a good approach to fix the problem in the next permit.

The proposals from SWG caucuses to date include:

9. Do not allow an "opt-out" alternative as an approach to fulfilling permit requirements for the RSMP Status and Trends component. **Advisory vote: 3/8/2. Local governments**

Commented [DK(4)]: PRO-C and federal caucus recommend including an adjustment for inflation to maintain the purchasing power of the current level of funding through the next permit; we do know that costs will increase. Local caucus does not want the funding level to increase; alternate proposal: increase S&T out of eff. State caucus okay with current level (with admin fix). Discussion: one member sees savings from start-up as filling this void; not likely with monitoring every 5 years; had sufficient contingency this time.

Commented [DK(5)]: Local caucus suggests "strong, but not exclusive, incentive"

Commented [DK(6)]: Local caucus suggests "the permit-related specifics of the RSMP."

Commented [DK(7)]: Local caucus suggests "Option 2 (do it yourself option)"

Commented [DK(8)]: Coordination and timing

Commented [DK(9)]: Local caucus concurs

Commented [DK(10)]: Local caucus suggests looking into a new RSMP administrator

Commented [DK(11)]: Local caucus suggests removing the number

Commented [DK(12)]: PRO-C recommends having a line item in the RSMP budget to ensure Ecology's actual program administration costs are covered, ~1.25 FTE

Commented [DK(13)]: Local caucus suggests "recommended"

Commented [DK(14)]: Local caucus suggests removing this

Commented [DK(15)]: Local caucus suggests same edit as for #2a above

Commented [DK(16)]: Local caucus suggests "need to be modified"

Commented [DK(17)]: federal and state caucuses would like to reiterate this SWG recommendation from 2010. Ecology has looked into this and it is possible to do this in the next permit. Local caucus recommends retaining the current permit alternative and/or a "true opt-out"

Commented [DK(18)]: Local caucus suggests same edit as #2a above



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expressed the need to present their councils with an option, though one opposed vote was concerned that RSMP falls apart if many permittees select this option. All agreed that #2 above goes with the recommendation to include any alternatives to paying in.

Context: The SWG could reiterate the 2010 recommendation that Ecology not allow an opt-out approach. The more permittees that choose this option, the fewer resources are available for the RSMP monitoring, analyses, and reporting. Most SWG members agree that if there is an opt-out alternative, the required individual permittee monitoring should be a substantive effort that in the end costs more than contributing to the RSMP. Range of perspectives: The SWG state agency caucus put forth this recommendation. One of the two permittees that chose the opt-out alternative for the current permit wishes to continue opting out but with a better set of requirements.

10. Fix the current opt-out approach. Retain option 2 with better (full?) integration and timing; use of same QAPP. Advisory vote: 9/3/1: discussion reflected in #9 above and in addition of new recommendation #11 below.

Context: The “opt-out” monitoring conducted by individual permittees in the current permit does not provide substantive meaning for the regional analysis, in contrast to what was intended. SWG members have not defined a “fix” but are open to considering proposals that are submitted in advance of the March 16, 2016 meeting. The permittees’ choices to opt in or out were based on scopes of work. RSMP QAPPs were not available when the current permit was issued but they are now published and available to use as the basis for future permit requirements.

11. If we retain option 2, the data should be integrated within the RSMP and the RSMP should absorb the cost of project management, data management, analysis and reporting. Advisory vote: 8/4/1: other local governments paying in are okay with subsidizing the go-it-alone folks. Some concern that RSMP might have trouble absorbing these costs.

- 11-12. Require opt-out permittees to contribute some minimum amount for (or absorb?) the costs of to the RSMP for regional analyses and reporting. Modified to new #11 above

Context: All permittees benefit from the regional analyses but the current opt-out alternative does not require those permittees to contribute to this part of the effort.

12. Consider other opt-out approaches. Advisory vote: 12/0/1 to strike

Context: SWG members have not defined either the “fix” or a better approach but are open to considering proposals that are submitted before the March 16, 2016 meeting.

SWG members are not in agreement on the following recommendations for RSMP fee reduction alternatives:

Advisory vote: 12/0/1 to strike both 13-14. Essentially un-implementable.

13. Give permittees financial credit for local status and trends monitoring programs, and/or require them to provide additional information to match the RSMP.

Context: An issue remains for many local jurisdictions that do not have an RSMP Status and Trends monitoring site located in a receiving water in their jurisdiction. It is not

Commented [DK(19): Lots of ways to “fix” including #11, and making it easier to administer and integrate (same QAPP)
Consider a trigger that if x% choose we need to reconsider the regional design

Commented [DK(20): state caucus recommends this proposal not move forward unless the work group has considered, discussed, and agreed to a tangible, specific approach
want folks to pay in – worry about sustainability

Commented [DK(21): Local caucus suggests deleting this sentence.

Commented [DK(22): This is like having additional contracts. Also, there will be changes in RSMP that aren’t in permit

Commented [DK(23): Local caucus suggests “Option 2”

Commented [DK(24): If not specified will be hard to put in permit

Commented [DK(25): Local caucus okay with RSMP paying for this. Could rise if more/other local data included. Also, what about project management costs?

Commented [DK(26): If there continues to be an “opt-out” then the state caucus recommends this be included

Commented [DK(27): Local caucus disagrees; these permittees are paying proportionately more for the required monitoring

Commented [DK(28): Local caucus suggests “Option 2”

Commented [DK(29): state and local caucuses recommend this proposal not move forward unless the work group has considered, discussed, and agreed to a tangible, specific approach; everyone voted this option off 3/16

Commented [DK(30): state and federal caucuses describe this as adding multiple additional opt-outs and do not agree with including this in our recommendations
local caucus wants to explore leveraging these efforts



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possible to have a statistically meaningful regional program with a site in each of the 93 jurisdictions in western Washington.

14. ~~Give permittees financial credit for serving on SWG, subgroups, and caucuses through reduction in required S8 RSMP contribution amounts or reimbursement from the RSMP accounts. One member suggested providing lunch for SWG members.~~

- a. Refer to the public education and outreach component of the current permit for ideas as to how to implement this suggestion.

Context: It is a challenge to incentivize local government participation in the SWG and its subgroups, particularly for small jurisdictions.

Range of perspectives: Many SWG members believe that participating in the process is part of our collective jobs, and/or that this would not be a good expenditure of RSMP funds.

SWG members are not in agreement on the following recommendations for S8.D Source Identification and Diagnostic Monitoring:

Context: In 2010, the SWG unanimously recommended that Source Identification and Diagnostic Monitoring be included as a key, strategic component of the RSMP. A Source Identification Information Repository (SIDIR) was later described as having two distinct components: an analysis of the results and findings of permittees' source control and Illicit Discharge Detection and Elimination (IDDE) programs, and means to improve effectiveness of the methods and approaches used in these programs.

This was the last RSMP component to be implemented, and only the results and findings analysis has begun – the analysis is intended to inform IDDE effectiveness studies. Initial results and progress were shared at the January 13, 2016 SWG meeting. Some SWG local government representatives believe that many permittees did not understand the SIDIR work and intent when the recommendation was made to discontinue this RSMP component, and they would like to bring this topic back to the local caucus for more conversation. The SWG SIDIR Subgroup made a consensus recommendation that the work continue during this permit cycle and address permittees' concerns about duplicate/overlapping reporting requirements. The analysis has already identified areas of the permit where language can be improved and clarified.

The proposals from SWG caucuses and individual members to date include:

1. Continue this RSMP component in the next permit cycle. Advisory vote: 6/5/1: most local government representatives wish to discontinue SIDIR.
Note that regardless of this recommendation we will Learn from the work conducted during this permit cycle to:
 - a. Identify education and outreach topics and audiences,
 - b. Prioritize regional stormwater initiatives,
 - c. Identify ways state and federal agencies work to reduce sources of illicit discharges,
 - d. Inform the next permit S5.C and other relevant requirements,
 - e. Reduce permittees' duplicate record maintenance and reporting requirements, and
 - f. Report to councils and legislators on the value of IDDE programs.

Commented [DK(31): state and federal caucus members believe that voluntary participation in the SWG and subgroups is "good government" and should not in any case be reimbursed using RSMP funding
local caucus members recognize it would be difficult to assign value and to administer

Commented [DK(32): Local caucus suggests deleting this

Commented [DK(33): state and federal caucuses agree with this
local caucus disagrees

Commented [DK(34): include this in other options

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2. Discontinue funding for this RSMP component in the next permit cycle. Advisory vote: 5/6/1: most local government representatives wish to discontinue SIDIR.
3. Redirect the funding to effectiveness studies in the next permit cycle. Advisory vote: 2/8/1: most local government representatives wish to discontinue SIDIR and most state and federal representatives wish to continue SIDIR.
 - a. Use the analysis of the IDDE incident tracking data conducted during this permit cycle to direct the funding toward IDDE and source control effectiveness studies.
4. Have SIDIR compete for funding as an effectiveness study. Advisory vote: 5/5/1: most local government representatives wish to discontinue SIDIR; some would be okay with having it continue as an effectiveness study. State and federal reps want IDDE analysis to continue as a distinct, ongoing source ID project.
5. Redirect the funding to stream gaging as part of the RSMP status and trends monitoring. Advisory vote: 4/5/1: most local government representatives wish to discontinue collecting the funds for SIDIR altogether.

Voting notes: two members needed to leave in turn as the meeting ran long, so the total votes tallied are fewer for the 4th and then 5th SIDIR alternatives. One member advised the note-taker that her vote on SIDIR #5 was miscast and the tally above reflects that adjustment so that the ensuing documents appropriately reflect the current position of the collective group.

Commented [DK(35)]: state and federal caucuses disagree with this
local caucus agrees

Commented [DK(36)]: state and federal caucuses would be okay with this
local caucus agrees with this except recommend that SIDIR compete with other effectiveness studies

Commented [DK(37)]: state and federal caucuses disagree with this